

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA

v.

PRINCE CHIEMELE NWANKUDU

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NO. 3:11-MJ-591-BK

DETENTION ORDER

Defendant is charged by complaint with mail fraud, in violation of 18 U.S.C. § 1341. At his initial appearance on December 16, 2011, the government moved to detain Defendant. Defendant waived his right to a preliminary hearing, and a detention hearing was held on December 16 and 19, 2011. Defendant appeared in person and through counsel, and the government was represented by the assistant United States Attorney.

Based on Defendant's knowing and voluntary waiver of his right to a preliminary hearing, the Court finds probable cause to believe Defendant committed the offense alleged in the Criminal Complaint. Further, after considering the testimony of the witnesses, Defendant's proffer, the revised pretrial services report, and the factors listed in 18 U.S.C. § 1341, the Court finds that the government has met its burden to establish that it is more likely than not that there is no condition or combination of conditions which will reasonably assure Defendant's appearance as required. *See United States v. Fortna*, 769 F.2d 243, 250 (5th Cir. 1985) (holding that applicable standard is simple preponderance).

The information presented to the Court established that, just before he was arrested, Defendant booked (and subsequently cancelled) a flight to Nigeria. Additionally, Defendant, who is not a citizen of the United States, has limited ties to the area, and his wife and children are

in Nigeria. Defendant has no stable residence or paid employment, and was not living at the address he listed as his residence in his U.S. citizenship application at the time of his arrest.

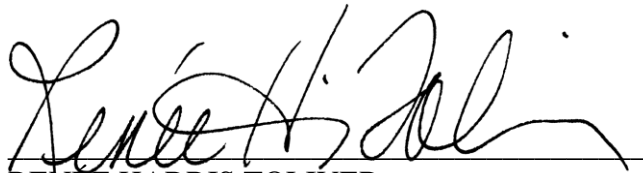
Given the nature and circumstances of the offense; the weight of the evidence against Defendant; and Defendant's characteristics, including his propensity for travel outside of this country, the Court finds that the government has met its burden of persuasion. Accordingly, the government's motion for detention is **GRANTED**.

It is therefore **ORDERED** that Defendant be, and he is hereby, committed to the custody of the Attorney General and United States Marshal for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.

It is **ORDERED** that Defendant, while being so held, be afforded reasonable opportunity for private consultation with counsel.

It is further **ORDERED** that, on an Order of a Court of the United States or at the request of the attorney for the government, the person in charge of the corrections facility in which Defendant is confined shall deliver Defendant to a United States Marshal for the purpose of an appearance in connection with court proceedings in the Northern District of Texas.

SIGNED December 19, 2011.



RENEE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE